

2015-1372, -1376, -1377, -1378, -1379, -1380, -1381, -1382,
-1383, -1384, -1385, -1386, -1417, -1419, -1421

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

In re: TLI COMMUNICATIONS LLC PATENT LITIGATION

TLI COMMUNICATIONS LLC

Plaintiff-Appellant

v.

AV AUTOMOTIVE, L.L.C., HALL AUTOMOTIVE, LLC, YAHOO! INC.,
TUMBLR, INC., TWITTER, INC., GOOGLE, INC., PINTEREST, INC.,
FACEBOOK, INC., INSTAGRAM, LLC, DROPBOX INC.,
IAC/INTERACTIVECORP, CITYGRID MEDIA LLC, VIMEO LLC, IMGUR
LLC, SHUTTERFLY, INC., TRIPADVISOR INC., TRIPADVISORY LLC,
SNAPCHAT INC., YELP, INC., CAPITAL ONE FINANCIAL CORPORATION,
CAPITAL ONE, N.A., CAPITAL ONE SERVICES, LLC, VINE LABS, INC.

Defendants-Appellees

APPLE INC., WHI, INC.

Defendants

**Appeals from the United States District Court for the Eastern District of
Virginia in case no. 1:14-md-02534, Judge T. S. Ellis III.**

**UNOPPOSED MOTION OF PLAINTIFF-APPELLANT TLI
COMMUNICATIONS LLC TO DISMISS GOOGLE INC. FROM THE
APPEALS ENTITLED “IN RE: TLI COMMUNICATIONS LLC PATENT
LITIGATION, 1:14-MD-02534-TSE-JFA,” CASE NUMBER 15-1372, AND
“TLI COMMUNICATIONS LLC v. AV AUTOMOTIVE, L.L.C., MAX MEDIA
LLC AND GOOGLE, INC.,” CASE NUMBER 15-1417**

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Attorneys for Plaintiff-Appellant
TLI Communications LLC

December 11, 2015

On or about March 9, 2015, the Court issued an order consolidating the following appeals (hereafter referred to as the “Consolidated Matters”)

Member Case	Federal Circuit Case Number
In re: TLI COMMUNICATIONS LLC PATENT LITIGATION, 1:14-md-02534-TSE-JFA	15-1372
<i>TLI Communications LLC v. AV Automotive L.L.C. and Apple Inc.</i> , 1:14-cv-00136-TSE-JFA (E.D. Va.)	15-1376 (Dismissed August 26, 2015 D.I. 72)
<i>TLI Communications LLC v. Hall Automotive, LLC; Yahoo! Inc., and Tumblr, Inc.</i> , 1:14-cv-00137-TSE-JFA (E.D. Va.)	15-1377
<i>TLI Communications LLC v. AV Automotive, L.L.C., For a Song, Inc., Max Media LLC, Twitter, Inc., and Vine Labs, Inc.</i> , 1:14-cv-00138-TSE-JFA (E.D. Va.)	15-1378
<i>TLI Communications LLC v. AV Automotive, L.L.C., Max Media LLC, and Google Inc.</i> , 1:14-cv-00139-TSE-JFA (E.D. Va.)	15-1417
<i>TLI Communications LLC v. AV Automotive, L.L.C., Max Media LLC, and Pinterest, Inc.</i> , 1:14-cv-00140-TSE-JFA (E.D. Va.)	15-1379
<i>TLI Communications LLC v. AV Automotive, L.L.C., For a Song, Inc., Hall Automotive, LLC, Max Media LLC, Facebook, Inc., and Instagram, LLC</i> , 1:14-cv-00142-TSE-JFA (E.D. Va.)	15-1419

<i>TLI Communications LLC v. Dropbox Inc.</i> , 1:14-cv-00781-TSE-JFA (E.D. Va.)	15-1380
<i>TLI Communications LLC v. IAC/InterActive Corp., CityGrid Media LLC, and Vimeo LLC</i> , 1:14-cv-00784-TSE-JFA (E.D. Va.)	15-1381
<i>TLI Communications LLC v. Imgur LLC</i> , 1:14-cv-00785-TSE-JFA (E.D. Va.)	15-1382
<i>TLI Communications LLC v. Shutterfly Inc.</i> , 1:14-cv-00788-TSE-JFA (E.D. Va.)	15-1383
<i>TLI Communications LLC v. Tripadvisor Inc. and Tripadvisor LLC</i> , 1:14-cv-00790-TSE-JFA (E.D. Va.)	15-1384
<i>TLI Communications LLC v. Snapchat Inc.</i> , 1:14-cv-00791-TSE-JFA (E.D. Va.)	15-1385
<i>TLI Communications LLC v. Yelp Inc.</i> , 1:14-cv-00793-TSE-JFA (E.D. Va.)	15-1386
<i>TLI Communications LLC v. Capital One Financial Corporation, Capital One, N.A., and Capital One Services, LLC</i> , 1:14-cv-00842-TSE-JFA (E.D. Va.)	15-1421

Plaintiff-Appellant TLI Communications LLC (“Plaintiff-Appellant” or “TLI”) and Defendant-Appellee Google Inc. (“Google”) in the appeals entitled *In re: TLI COMMUNICATIONS LLC PATENT LITIGATION*, 1:14-md-02534-TSE-JFA (Fed. Cir. Case Number 15-1372) and *TLI Communications LLC v. AV*

Automotive L.L.C., Max Media LLC and Google Inc. (Fed. Cir. Case Number 15-1417), have reached a settlement with respect to Google only.

Pursuant to Federal Rule of Appellate Procedure 42(b) and the terms of the parties' confidential Settlement Agreement, Plaintiff-Appellant hereby moves the Court for an order dismissing Google with prejudice from Consolidated Appeal 15-1372 and Appeal 15-1417 (collectively, the "Google Appeal").

Google has not filed any cross-appeal with respect to this matter to date. TLI filed its opening Appellant brief on June 11, 2015, Defendants filed their responsive brief on September 8, 2015 and TLI filed its reply brief on October 9, 2015.

This motion is not opposed by Google. No response to this motion will be filed by Google. No response to this motion is anticipated to be filed by any of the Appellees in the other Consolidated Matters.

TLI and Google have agreed that each side shall bear their own costs and fees with respect to the Google Appeal, and each waive the right to make a claim against the other for such costs, attorney's fees or any other expenses associated with the matters being resolved here.

No appeal and/or claims as to any of the other Appellees in any of the other Consolidated Matters are requested to be dismissed by the Court at this time, nor are they intended to be by virtue of the filing of this motion with the Court.

Dated: December 11, 2015

Respectfully submitted,

/s/ Robert A. Whitman

Robert A. Whitman

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TLI Communications LLC

Form 9

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

TLI Communications LLC v. AV Automotive, L.L.C.No. 15-1372

CERTIFICATE OF INTEREST

Counsel for the (petitioner) **appellant** (respondent) (appellee) (amicus) (name of party)TLI Communications LLC certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

TLI Communications LLC

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Marathon Patent Group4. ☒ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:Robert Whitman, Mark Raskin, Michael DeVincenzo, Eric Berger & Charles Wizenfeld of Mishcon de Reya NY LLP12/11/2015

Date

/s/ Robert Whitman

Signature of counsel

Robert Whitman

Printed name of counsel

Please Note: All questions must be answered

cc: _____

2015-1372, -1376, -1377, -1378, -1379, -1380, -1381, -1382,
-1383, -1384, -1385, -1386, -1417, -1419, -1421

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Defendants-Appellees

APPLE INC., WHI, INC.,

Defendants

**Appeals from the United States District Court for the Eastern District of
Virginia in case no. 1:14-md-02534, Judge T. S. Ellis III.**

PROPOSED ORDER

Plaintiff-Appellant TLI Communications LLC moves without opposition to
voluntarily dismiss Defendant-Appellee Google Inc. in the appeals entitled *In re:*

TLI COMMUNICATIONS LLC PATENT LITIGATION, 1:14-md-02534-TSE-JFA (Fed. Cir. Case Number 15-1372) and *TLI Communications LLC v. AV Automotive L.L.C., Max Media LLC and Google Inc.* (Fed. Cir. Case Number 15-1417), with prejudice, pursuant to Federal Rule of Appellate Procedure 42(b).

Plaintiff-Appellant is not seeking to dismiss any of the following appeals which have been consolidated:

Member Case	Federal Circuit Case Number
<i>TLI Communications LLC v. AV Automotive L.L.C. and Apple Inc.</i> , 1:14-cv-00136-TSE-JFA (E.D. Va.)	15-1376 (Dismissed August 26, 2015 D.I. 72)
<i>TLI Communications LLC v. Hall Automotive, LLC; Yahoo! Inc., and Tumblr, Inc.</i> , 1:14-cv-00137-TSE-JFA (E.D. Va.)	15-1377
<i>TLI Communications LLC v. AV Automotive, L.L.C., For a Song, Inc., Max Media LLC, Twitter, Inc., and Vine Labs, Inc.</i> , 1:14-cv-00138-TSE-JFA (E.D. Va.)	15-1378
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<i>TLI Communications LLC v. Dropbox Inc.</i> , 1:14-cv-00781-TSE-JFA (E.D. Va.)	15-1380

<i>TLI Communications LLC v. IAC/InterActive Corp., CityGrid Media LLC, and Vimeo LLC</i> , 1:14-cv-00784-TSE-JFA (E.D. Va.)	15-1381
<i>TLI Communications LLC v. Imgur LLC</i> , 1:14-cv-00785-TSE-JFA (E.D. Va.)	15-1382
<i>TLI Communications LLC v. Shutterfly Inc.</i> , 1:14-cv-00788-TSE-JFA (E.D. Va.)	15-1383
<i>TLI Communications LLC v. Tripadvisor Inc. and Tripadvisor LLC</i> , 1:14-cv-00790-TSE-JFA (E.D. Va.)	15-1384
<i>TLI Communications LLC v. Snapchat Inc.</i> , 1:14-cv-00791-TSE-JFA (E.D. Va.)	15-1385
<i>TLI Communications LLC v. Yelp Inc.</i> , 1:14-cv-00793-TSE-JFA (E.D. Va.)	15-1386
<i>TLI Communications LLC v. Capital One Financial Corporation, Capital One, N.A., and Capital One Services, LLC</i> , 1:14-cv-00842-TSE-JFA (E.D. Va.)	15-1421

With respect to the remaining appeals (listed below) which have been consolidated, Plaintiff-Appellant seeks only to dismiss them with respect to Defendant-Appellee Google Inc. They will remain pending against all remaining Defendants-Appellees.

Member Case	Federal Circuit Case Number
In re: TLI COMMUNICATIONS LLC PATENT LITIGATION, 1:14-md-02534- TSE-JFA	15-1372
TLI Communications LLC v. AV Automotive, L.L.C., Max Media LLC, and Google Inc., 1:14-cv-00139-TSE-JFA (E.D. Va.)	15-1417

Upon consideration thereof, IT IS ORDERED THAT:

1. The Motion is granted and Google Inc. is dismissed with prejudice from Consolidated Appeal 15-1372 and Appeal 15-1417.

2. TLI Communications LLC and Google Inc. shall bear their own costs and each waive the right to make a claim against the other for such costs, attorney's fees or any other expenses associated with the matters being resolved here.

FOR THE COURT:

Date: _____

CERTIFICATE OF SERVICE

I, Robert A. Whitman, hereby certify that on December 11, 2015, I caused one copy of the documents listed below:

UNOPPOSED MOTION OF PLAINTIFF-APPELLANT TLI COMMUNICATIONS LLC TO DISMISS GOOGLE INC. FROM THE APPEALS ENTITLED “*IN RE: TLI COMMUNICATIONS LLC PATENT LITIGATION, 1:14-MD-02534-TSE-JFA*,” CASE NUMBER 15-1372, AND “*TLI COMMUNICATIONS LLC v. AV AUTOMOTIVE, L.L.C., MAX MEDIA LLC AND GOOGLE, INC.*,” CASE NUMBER 15-1417

to be electronically filed using the CM/ECF system, which sent a notice of electronic filing to all ECF registered participants.

/s/ Robert A. Whitman

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